

PRELIMINARY AMENDMENT
U.S. Application No.: 09/762,441

REMARKS

Claim 1 has been amended to incorporate therein the recitation of claim 6 and certain elements of claim 10. Claims 6 and 10 have been canceled. Claims 7, 8 and 11 have been amended to depend from claim 1. Claim 15 has been amended to conform to the amendment to claim 1. Entry of the amendments is respectfully requested.

Review and reconsideration on the merits are requested.

Claims 1-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,229,461 to Saitoh et al in view of U.S. Patent 4,295,976 to Dessaint et al. The grounds for rejection remain the same as set forth in the previous Office Action.

Namely, the Examiner cited Saitoh et al as disclosing a fluorine-containing resin coating composition within the scope of original claim 6, including a copolymer comprising vinylidene fluoride units having a hydroxyl functional group and a curing agent. The coating composition is said to provide a film having excellent weatherability and stain resistance (citing col. 1, lines 54-60). Furthermore, the composition may be applied to substrates such as metal, wood, concrete, plastic and the like (citing col. 11, lines 5-8).

Citing col. 1, lines 5-11, the Examiner relied on Dessaint et al as disclosing that materials such as metals, plastics, wood materials, concrete and leather are considered equivalent substrates for fluorinated anti-stain coatings.

The reason for rejection was that it would have been obvious to apply the coating composition of Saitoh et al to leather because Dessaint et al is said to teach that leather is

PRELIMINARY AMENDMENT
U.S. Application No.: 09/762,441

equivalent to other substrates mentioned by Saitoh et al such as metal, wood, concrete, plastic, etc.

Applicants traverse, and respectfully request the Examiner to reconsider in view of the amendments to the claims of the following remarks.

As set forth in amended claim 1, the curable fluorine-containing resin coating composition (1) is limited to a resin composition comprising a fluorine-containing resin having a reactive curable and a curing agent, wherein (2) the fluorine-containing resin having a reactive curable group is restricted to --a polymer having at least one of chlorotrifluoroethylene unit and tetrafluoroethylene unit--.

Dessaint et al discloses the use of vinyl or vinylidene halides such as vinyl or vinylidene fluoride (column 5, lines 58-59). However, Dessaint et al also strongly emphasizes that perfluorinated copolymers have poor soil release properties. See the test results for Comparative bath B containing a mixture of perfluorinated copolymers prepared by the process described in French Pat. No. 2,175,332 bridging columns 10-11 of Dessaint et al. Such disclosure teaches away from and eliminates perfluoroolefin unit as an applicable product according to Dessaint et al. Therefore, of course, tetrafluoroethylene (TFE) and chlorotrifluoroethylene (CTFE) which are perhaloolefins, are not described by Dessaint et al as usable monomers.

With respect to amended claim 1, the fluorine-containing resin having a reactive curable group is a polymer having chlorotrifluoroethylene (CTFE) and/or tetrafluoroethylene (TFE) unit. These units are positively eliminated from Dessaint et al.

PRELIMINARY AMENDMENT
U.S. Application No.: 09/762,441

Therefore, even if one of ordinary skill was motivated to apply the product of Dessaint et al to a leather substrate, such would not include application of a curable fluorine-containing resin having perhaloolefin such TFE or CTFE and the present invention would not be achieved.

The Examiner further considered that because Dessaint et al is said to show that metals, plastics, wood materials, concrete and leather are equivalent substrates, one of ordinary skill would have found it obvious to substitute a leather substrate for the metal, wood, concrete, plastic or the like material used as a substrate by Saitoh et al. However, as discussed above, with respect to application of the curable fluorine-containing resin having perhaloolefin unit such as TFE or CTFE, Dessaint et al by no means teaches that metals, plastics, wood materials, concrete and leather are equivalent substrates. Therefore, it is respectfully submitted that it would be unreasonable to conclude that the substrates of Dessaint et al are applicable to the invention of Saitoh et al. This is because the polymer of Saitoh et al has a perhaloolefin unit (formula (II)) and Dessaint et al teaches away from copolymers having a perhaloolefin unit.

In view of the amendment to claim 1 and the foregoing remarks, it is respectfully submitted that the present claims are patentable over Saitoh et al in view of Dessaint et al, and withdrawal of the rejection under 35 U.S.C. § 103(a) is respectfully requested.

Withdrawal of all rejections and allowance of claims 1-5, 7-9 and 11-19 is earnestly solicited.

PRELIMINARY AMENDMENT
U.S. Application No.: 09/762,441

In the event that the Examiner believes that it may be helpful to advance the prosecution of this application, the Examiner is invited to contact the undersigned at the local Washington, D.C. telephone number indicated below.

Respectfully submitted,



Abraham J. Rosner
Registration No. 33,276

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE



23373

PATENT TRADEMARK OFFICE

Date: June 18, 2003